

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	NO. CR14-0090 DLJ.
)	
Plaintiff,)	[] ORDER REQUIRING FURTHER
)	EXAMINATION PURSUANT TO TITLE 18 U.S.C.
v.)	SECTION 4241 TO DETERMINE PRESENT
)	MENTAL COMPETENCY AND FOR REPORT
JASON KEITH SMITH,)	
)	
Defendant.)	
)	

On September 25, 2014 this Court held a hearing in the above-captioned case. The question of the mental competency of defendant Jason Smith having been previously raised, the Court being advised that there is reasonable cause to believe that the defendant presently may be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequence of the proceedings against him or to assist properly in his own defense, and having reviewed the written report of Dr. Wendt regarding defendant's competency and heard the arguments of the parties, this Court, pursuant to Title 18, United States Code, Section 4241, hereby requests that the Bureau of Prisons designate said defendant to a facility in order to obtain a further examination of the defendant to determine present mental competency. Given the current status of this case, this Court requests that the Bureau of Prisons expedite the designation of the defendant to a facility.

IT IS HEREBY ORDERED that the Bureau of Prisons conduct an in-custody examination of the defendant to determine:

1 (1) Whether the defendant is competent to understand the nature and consequences of the
2 proceedings pending against him;

3 (2) Whether the defendant is competent to assist properly in his defense; and

4 The psychological/psychiatric report shall be prepared pursuant to Title 18, United States Code,
5 Sections 4247(b) and 4247(c)(1) through (c)(4)(A), and shall include:

6 (1) The defendant's history and present symptoms;

7 (2) A description of the psychiatric, psychological and medical tests that were employed and
8 their results;

9 (3) The examiner's findings; and,

10 (4) The examiner's opinions as to diagnosis, prognosis, whether the defendant is suffering
11 from a mental disease or defect rendering him mentally incompetent to the extent that he
12 is unable to understand the nature and consequences of the proceedings against him or to assist properly
13 in his own defense.

14 Pursuant to Title 18, United States Code, Section 3161(h)(1)(A), the court finds that the entire
15 period of time during which proceedings are pending to determine the mental competence of the
16 defendant shall be excluded under the Speedy Trial Act.

17 IT IS FURTHER ORDERED that such examination be conducted in a facility designated by the
18 Bureau of Prisons and that the defendant be in custody for the examination process and until further
19 order of this Court.

20 IT IS FURTHER ORDERED that after the Bureau of Prisons has designated a facility to conduct
21 the examination of the defendant, defendant shall self-surrender either to that designated facility or to
22 the local U.S. Marshal's Office in Detroit, Michigan no later than seven (7) calendar days after the date
23 of that designation. Regardless of that date of designation, this defendant is ordered to be placed into
24 federal custody for purposes of the aforementioned competency examination no later than October 31,
25 2014.

26 IT IS FURTHER ORDERED that after defendant self-surrenders for purposes of this evaluation
27 that he shall remain in federal custody while proceedings are pending to determine his mental
28 competence pursuant to Title 18, United States Code, Section 3161(h)(1)(A).

IT IS FURTHER ORDERED that such examination shall be at the expense of the United States Department of Justice.

IT IS FURTHER ORDERED that the Bureau of Prisons shall prepare a written report which shall be sent to this Court, with copies of the report being provided to Carleen R. Arlidge, Esq., attorney for the defendant, 111 West St. John Street, Suite 555, San Jose, California 95113 and to the U.S. Attorney's Office, 150 Almaden Boulevard, Suite 900, San Jose, California 95113.

IT IS SO ORDERED.

Donna Inna

D. LOWELL JENSEN
United States District Judge